

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARRICK HARRINGTON,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:05-cv-00624-OWW-GSA PC

AMENDED ORDER GRANTING
PLAINTIFF'S MOTION FOR LEAVE TO
AMEND, AND EXTENDING AMENDED
PLEADINGS DEADLINE

(Doc. 37)

Amended Pleadings Deadline: 03/28/2008

Plaintiff Garrick Harrington ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on plaintiff's amended complaint filed April 28, 2006, and there is a scheduling order in place. On January 17, 2008, plaintiff filed a motion seeking leave to file an amended complaint and on January 29, 2008, the court granted the motion.

By virtue of the court's order, the deadline for amending the pleadings was extended. However, at this juncture in the proceedings, plaintiff may not simply file a second amended complaint. Plaintiff is required to file a motion seeking leave to amend setting forth the grounds for amendment along with a proposed second amended complaint for the court to review. Fed. R. Civ. P. 15(a). A review of plaintiff's motion setting forth the specific grounds for amendment and of plaintiff's proposed amended complaint will determine whether the second amended complaint is accepted for filing or not.

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1 Accordingly, the court's order of January 29, 2008, is HEREBY AMENDED to reflect that
2 the deadline for filing amended pleadings was extended thirty days, and the court will consider any
3 timely motion to amend accompanied by a proposed amended pleading. Further, the amended
4 pleadings deadline is HEREBY EXTENDED an additional thirty days, to March 28, 2008, in light
5 of the issuance of this amended order.¹

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8 IT IS SO ORDERED.

9 **Dated: February 26, 2008**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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¹ In the event that a second amended complaint is submitted and accepted for filing, the parties may notify the court at that time if they need additional discovery due to the amendments. New discovery and pretrial dispositive motion deadlines will be set if necessary.